

ASHBY & GEDDES

ATTORNEYS AND COUNSELLORS AT LAW
500 DELAWARE AVENUE
P. O. BOX 1150
WILMINGTON, DELAWARE 19899

TELEPHONE
302-654-1888
FACSIMILE
302-654-2067

October 24, 2022

The Honorable Gregory B. Williams
United States District Court
844 N. King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Bear Box LLC, et al. v. Lancium LLC, et al.*,
C.A. No. 21-534- GBW-CJB

Dear Judge Williams:

Pursuant to the Court's Order of October 20, 2022, instructing the parties to meet and confer as to whether Defendants will accept Plaintiffs' compromise claim construction positions, I am writing on behalf of the parties to report on the results of that meet and confer.

Counsel for the parties met and conferred on Monday, October 24, 2022. Lancium indicated they could not agree to BearBox's claim constructions for the reasons identified during the hearing. *See, e.g.*, Lancium Slides 7, 11-14, 20, 32, 33, 36-41, and 47. BearBox contends that its proposal is appropriate for the reasons stated during the hearing. *See, e.g.*, BearBox Slides 9-11, 13-14. The parties' final claim construction positions are summarized in the table below for the Court's consideration:

The Honorable Gregory B. Williams
 October 24, 2022
 Page 2

<i>Claim Term</i>	<i>Lancium's Construction</i>	<i>BearBox's Construction</i>
"power option agreement"	"an agreement between a power entity associated with the delivery of power to a load and the load, wherein the load provides the power entity with the option to reduce the amount of power delivered to the load up to an agreed amount of power during an agreed upon time interval such that the load must use at least the amount of power subject to the option during the interval unless the power entity exercises the option"	"an agreement between a power entity associated with the delivery of power to a load and the load, wherein the load provides the power entity with the option to reduce the amount of power delivered to the load up to a minimum power threshold"
"minimum power threshold"	"a minimum amount of power a load must use during an associated time interval"	"a minimum amount of power delivered to a load unless the power entity exercises the option. A minimum power threshold may be zero"

Should the Court have any questions, counsel are available at the Court's convenience.

Respectfully,

/s/ Andrew C. Mayo

Andrew C. Mayo (#5207)

ACM/nlm

cc: All counsel of record (via electronic mail)